



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-5171



February 26, 2004

LETTER OF DEFICIENCY #WSEB #04-025
Certified Mail #7099 3400 0003 0691 0270

Joseph Ferreira
Yankee Smokehouse Restaurant
P.O. Box 49
Ossipee, NH 03875

Subject: PWS Ossipee - Public Water System: Yankee Smokehouse Restaurant (EPA #1848250)

Dear Mr. Ferreira:

The records of the NH Department of Environmental Services (DES) show that Yankee Smokehouse Restaurant water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit chemical samples according to the system's established sampling schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 326. Pursuant to Env-Ws 351, the failure to submit chemical samples requires that public notice of such failure be given to all consumers.

DES records show that the subject water system failed to submit the following chemical sample results for the following monitoring period (calendar quarter).

Quarter 3 2003 – Nitrate and Nitrite

As a result of the failure to submit the above-described samples, a Notice of Violation (NOV), dated **November 24, 2003**, was sent to you (copy enclosed). The NOV requested that you immediately submit the above-described samples as a make-up samples. To date, DES has not received the make-up sample results, thus placing the water system in violation of Env-Ws 326. DES believes the monitoring/reporting deficiencies can be addressed by taking the following actions:

- By March 12, 2004**, submit the Nitrate and Nitrite samples as a "make-up samples" to the State laboratory or a State-certified laboratory. Please use the enclosed analysis result form when submitting the samples to your laboratory.
2. **By March 12, 2004**, provide proof of public notice to DES for the failure to submit Quarter 3 2003 Nitrate and Nitrite samples, as specified on the enclosed form.

In the event compliance is not achieved within this period, DES may take further enforcement action. These actions include issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Please note that submission of the 2003 nitrate and nitrite "make-up samples" does NOT relieve you of your obligation to submit a 2004 nitrate samples during the Third Quarter (July to September).

The proof of public notice as requested above should be addressed as follows or faxed to (603) 271-5171:

Betsey McNaughten
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

If you have any questions regarding this letter, please contact Betsey McNaughten at (603) 271-0659 or by email at emcnaughten@des.state.nh.us.

Sincerely,

COPY

Rene Pelletier, P.G., Manager
Land Resource Programs

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Encls: Notice of Violation, dated November 24, 2003
Analysis Request Form
Public Notice Form

cc: Gretchen Rule, DES Legal Unit (w/o encl.)
Martha Eldridge, Town Ossipee Health Officer (w/o encl.)
EPA, Region 1 (w/o encl.)
File